

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

05/06/2002

CLERK OF THE COURT
FORM V000A

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

CV 2001-021811

FILED: _____

BHFC FINANCIAL SERVICES INC

DAVID A CLARKE

v.

CHRISTOPHER GALLOWAY, et al.

CHRISTOPHER GALLOWAY
130 N HAMILTON #1
CHANDLER AZ 85225-0000

RHONDA GALLOWAY
130 N HAMILTON #1
CHANDLER AZ 85225-0000
NORTH VALLEY JUSTICE COURT
REMAND DESK CV-CCC

MINUTE ENTRY

This Court has jurisdiction over this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This matter has been under advisement. This Court has reviewed the record consisting of the pleadings from the North Valley Justice Court's file and the memoranda submitted by Appellants and Appellee.

The North Valley Justice Court entered a default judgment after the Appellants failed to appear at a pretrial hearing. Appellant's did not file a Motion to Set Aside the Default Judgment pursuant to Rule 55(c)¹ or Rule 60(c)². The failure to

¹ Arizona Rules of Civil Procedure.
Docket Code 019

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file such a motion does not deprive this court of jurisdiction to address the issues presented in the appeal. However, this Court must only consider those matters within the record before it and presume that, as to matters not within the record, that the record before the trial court supported its ruling or judgment.³ Therefore, the decision of the trial court to enter a default against Appellants must be presumed by this Court to be supported by the record before the trial judge. Appellants have ordered no transcripts or tapes of those proceedings and provided none to this Court that would indicate otherwise.

IT IS THEREFORE ORDERED affirming the judgment of the North Valley Justice Court.

IT IS FURTHER ORDERED remanding this matter back to the North Valley Justice Court for all further and future proceedings in this case.

² Id.

³ Lewis v. Oliver, 178 Ariz. 330, 873 P.2d 668 (App. 1994); National Advertising Co., v. Arizona Department of Transportation, 126 Ariz. 542, 617 P.2d 50 (App.1980).